

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROSS MITCHELL, and BLANCA MITCHELL,

Plaintiffs,

vs.

PATHE DIALLO, WERNER ENTERPRISES,
INC., WERNER TRANSPORTATION, INC.,
GRA-GAR, LLC, WERNER GLOBAL
LOGISTICS, INC., WERNER GLOBAL
LOGISTICS, U.S., LLC, WERNER LEASING,
LLC, WERNER MANAGEMENT, INC.,
PHILLIPS MANUFACTURING, CO.,
PHILLIPS MANUFACTURING CO. OF
OHIO, LLC, and PHILLIPS REALTY, LLC,

Defendants.

8:19CV570

ORDER FOR PARTIAL DISMISSAL

This case is before the court on the Stipulation for Dismissal of Certain Claims with Prejudice by Plaintiffs Ross Mitchell and Blanca Mitchell and the Werner Defendants. Filing 101. Specifically, the “Werner Defendants” are Defendants Werner Enterprises, Inc.; Werner Transportation Inc.; Gra-Gar LLC; Werner Global Logistics, U.S., LLC; Werner Global Logistics, Inc.; Werner Leasing, LLC; Werner Management, Inc.; and Pathe Diallo. The parties stipulate to an Order for Partial Dismissal pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and the Court’s Text Order of July 5, 2022, Filing 100, dismissing with prejudice Plaintiff Blanca Mitchell’s loss of consortium claim against the Werner Defendants and dismissing with prejudice the Werner Defendants’ counterclaim for contractual indemnity. These parties state that they have

resolved the claims in question. These parties specify that their stipulation is not intended to affect Plaintiffs' claims against the Phillips Defendants (Phillips Manufacturing, Co., Phillips Manufacturing Co. of Ohio, LLC, and Phillips Realty, LLC) or the counterclaim for worker's compensation subrogation asserted by Defendant Werner Enterprises, Inc., and the parties agree those claims should not be dismissed.

Upon the foregoing,

IT IS ORDERED that the request by Plaintiffs Ross Mitchell and Blanca Mitchell and the Werner Defendants for an Order for Partial Dismissal is granted, and Plaintiff Blanca Mitchell's loss of consortium claim against the Werner Defendants and the Werner Defendants' counterclaim for contractual indemnity, and only those claims, are dismissed with prejudice.

Dated this 13th day of July, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge